

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ZEM ZEM SHRINERS, A.A.O.N.M.S.,	:	
an unincorporated associated,	:	
Plaintiff	:	
	:	
v.	:	C.A. NO. 05 - 57E
	:	
PATRICK H. SCHWINDT, an adult	:	Electronically Filed
individual,	:	
	:	
Defendant/Third	:	
Party Plaintiff	:	
	:	
v.	:	
	:	
GEORGE HEPLER, DAVID SCHICK, and	:	
DUANE WILLEY,	:	
	:	
Third Party Defendants	:	

**MOTION FOR AN EXTENSION OF TIME IN WHICH  
TO FILE A RESPONSE TO THE THIRD PARTY COMPLAINT**

AND NOW, comes the above third party defendant, GEORGE HEPLER, by and through his attorneys, **Marsh Spaeder Baur Spaeder & Schaaf, LLP**, and files the following Motion for an Extension of Time in Which to File a Response to the Third Party Complaint and states the following in support thereof:

1. On May 31, 2005, Patrick H. Schwindt filed a Third Party Complaint.
2. On June 28, 2005, George Hepler, third party defendant, executed a Waiver of Service of Summons and returned the Waiver of Service to Attorney Friedman on behalf of Patrick H. Schwindt.
3. On July 5, 2005, the Waiver of Service executed by George Hepler was filed by Attorney Friedman.

4. Based on the filing of this Waiver of Service, George Hepler's Answer to the Complaint is due on August 1, 2005, as evidenced in the Notice of Service of Process attached hereto and marked as Exhibit "A".

5. On July 26, 2005, a settlement conference was conducted before this Honorable Court and although a settlement was not reached at the conference, counsel for Mr. Hepler was advised that the parties are still negotiating.

6. Since settlement negotiations are ongoing, counsel for Mr. Schwindt has granted Mr. Hepler a ten (10) day extension in which to file an Answer to the Complaint.

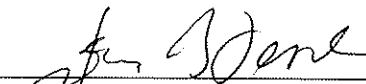
7. By allowing Mr. Hepler an additional ten (10) days to respond to the Third Party Complaint, Mr. Hepler will know whether the case has been resolved, thereby rendering the need for him to file an Answer moot, or whether a settlement is unlikely and the claim against him must be answered.

WHEREFORE, the third party defendant, George Hepler, respectfully requests an Order of this Court granting this Motion allowing him an additional ten (10) days until August 10, 2005 in which to respond to the Third Party Complaint.

Respectfully submitted,

**MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP**

By



John B. Fessler

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